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## **EXHIBIT 5**

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Declaration Pg 2 of 3

WHEN RECORDED RETURN TO:

Paul Papas 4727 E Bell Rd., #45 PMB 350 Phoenix, AZ 85032 602-493-2016



MARICOPA COUNTY RECORDER HELEN PURCELL 2012-0178685 03/02/12 02:56 PM 1 OF 1

RAMIREZP

# NOTICE OF OPTION CONTRACT FOR SALE AND PURCHASE

This NOTICE OF OPTION CONTRACT FOR SALE AND PURCHASE (the "Notice") is made, executed and delivered as of the 16th day of February, 2012, by and between Kathrina H. Tobias ("Seller") and Paul Papas and/or assigns ("Buyer").

The Seller grants to the Buyer and/or assigns an Option to purchase the real estate as described below (the "Property"):

8025 E. Krail St, Scottsdale, AZ 85250 - APN 174-11-130-8

Lot 125 Hayden Estates according to Book 204 of Maps, page 46, records of Maricopa County,

#### Arizona

The term of this Option Contract is from the 16th day of February, 2012 and expires on the 15th day of February, 2013. The Buyer and/or assigns can execute the Option Contract at any time during the Option Period.

The Option Contract may be terminated and this Notice released and satisfied of record by execution and recording of a Release of Option Contract signed only by the Buyer.

The Option Contract for Sale and Purchase contains the following Representations and Warranties:

- "6. REPRESENTATIONS AND WARRANTIES: To induce the BUYER and/or assigns to enter into this Agreement, the SELLER makes the following representations, warranties, and covenants.
  - E. SELLER understands that if this transaction becomes a short sale and is contingent upon acceptance by Lien holders of discounts off outstanding balances, then the Seller will receive NO funds upon closing of the short sale.
  - F. SELLER hereby grants the Buyer and/or assigns the FIRST right to purchase the Seller's property and the Buyer or their representatives all of the necessary rights to immediately list for sale, market, negotiate and enter into a contract to lease or sell immediately to a third party for a profit. All documentation in connection with the foregoing will be made available at the request of all Lenders, Sellers, and Buyers and/or assigns involved in the transaction."

20120178685

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### Legal Description 8025 E. Krail St, Scottsdale, AZ 85250 - APN 174-11-130

Lot 125 Hayden Estates according to Book 204 of Maps, page 46, records of Maricopa County,

#### Arizona

AS TO SELLER:
In witness whereof, we hereunto set our hand and seal, at 1200 , in the County of MARICOPA, State of Arizona, this 2312 day of February 2012.
Lather The
Seller
State of Arizona County of Maricopa ss:
Before me, a Notary Public in and for said County, personally appeared the above named $\frac{RA+RR_{I}N_{I}A}{I-I-I-I-I-I-I-I-I-I-I-I-I-I-I-I-I-I-I-$
In testimony whereof, I have hereunto set my hand and official seal, at 12 cc PM, in the County of Man. copia, State of Arizona, this 2 day of February, 2012.
Notary Public Com Muse 12014
AS TO BUYER and/or assigns:
In witness whereof, we hereunto set our hand and seal, at Glenole, in the County of State of Arizona, this 27 day of February 2012.  Buyer and/or assigns
State of Aniona County of Munwag ss:
Before me, a Notary Public in and for said County, personally appeared the above named who acknowledged and declared that
he did sign and seal the foregoing instrument and that the same is his free act and deed.
In testimony whereof, I have hereunto set my hand and official seal, at bendue, in the County of Mari COOM, State of Arizona, this 27 day of February 2012.
Notary Public Jando
This instrument prepared by: Grantor  CRISTINA MENDOZA

NOTARY PUBLIC - ARIZONA MARICOPA COUNTY My Commission Expires September 1, 2014